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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,071	02/02/2000	Linda I. Hoffberg-Borghesani	LIH-14	7065
10037 7590 08/11/2009 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER				
SALCE, JASON P				
ART UNIT		PAPER NUMBER		
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08/11/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LINDA I. HOFFBERG-BORGHESENI
and STEVEN M. HOFFBERG

Application No. 09/497,071
Technology Center: 2400

Mailed: August 11, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 10, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter(s) requiring attention prior to docketing are identified below.

CONSIDERATION OF APPEAL BRIEF

A review of the file indicates that the appellants filed an Appeal Brief on June 19, 2009, in response to an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER filed June 18, 2009. However, there is no Indication on the record that the examiner considered the Appeal Brief filed on June 19, 2009. Appropriate correction is required.

CONCLUSION

Accordingly, it is
ORDERED that the application is being electronically returned to the Examiner:

- 1) for consideration and proper response to the Appeal Brief filed June 19, 2009; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/GJH/

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